

Message Text

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PAGE 01 IAEA V 00916 051658Z

44

ACTION ACDA-10

INFO OCT-01 EUR-12 IO-11 ISO-00 ACDE-00 IOE-00 AF-06

ARA-06 CIAE-00 DODE-00 EA-07 PM-04 H-02 INR-07 L-03

NASA-01 NEA-10 NSAE-00 NSC-05 OIC-02 SP-02 PA-01

PRS-01 OES-03 SS-15 USIA-06 SAJ-01 /116 W

----- 066698

P 051429Z FEB 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 7030

INFO USERDA GERMANTOWN PRIORITY

AMEMBASSY MOSCOW PRIORITY

C O N F I D E N T I A L IAEA VIENNA 0916

EO 11652: GDS

TAGS: TECH, PARM, IAEA

SUBJECT: IAEA CONSULTANT' MEETING RE LEGAL ASPECTS PNE

MOSCOW FOR DUCHHEIM, TTB/PNE DEL

USERDA FOR R. DUFF, ISA; R.T. JOHNSON, OGC:

SIEVERING, ASST. ADMINISTRATOR FOR INTERNATIONAL AFFAIRS

DEPT PASS IO/SCT

ALSO PASS ACDA: J. MALONE; T. DAVIES

REF: A. STATE 023739 B. 75 STATE 232093,
C. STATE 22870 D. IAEA VIENNA 0824

1. DURING CONVERSATION BETWEEN SOVIET
PARTICIPANT SUBJECT MEETING MISHARIN AND
U.S. PARTICIPANT MCNEILL, PRIOR TO FEB. 4
SESSION SUBJECT MEETING, MISHARIN MADE
POINT THAT SOVS HOLD VIEW THAT NEED FOR
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PAGE 02 IAEA V 00916 051658Z

INTERNATIONAL RADIATION PROTECTION STANDARDS

TO BE EMPLOYED IN CONNECTION WITH PROPOSED
INTERNATIONAL PNE SERVICE AGREEMENT(S) IS

MANIFEST. IN THIS CONNECTION, MISHARIN
SHOWED COPY OF SOV PROPOSAL LATER FORMALLY
CIRCULATED AT FEB. 4 SESSION OF SUBJECT
MEETING, TEXT OF WHICH WAS OFFERED AS
REPLACEMENT FOR PARAS 49-52 OF AGENCY DRAFT
WORKING PAPER ON LEGAL ASPECTS OF PNE.

2. TEXT PROPOSED BY MISHARIN CLOSELY
RESEMBLED BUT DID NOT FULLY TRACK ARTICLE FIVE
NPT, AND MADE ADDITION OF FOLLOWING: BEGIN
QUOTE: NON-NUCLEAR WEAPON STATES PARTY TO THE
TREATY SHALL BE ABLE TO OBTAIN SUCH BENEFITS
PURSUANT TO A SPECIAL INTERNATIONAL AGREEMENT
OR AGREEMENTS WHICH WILL BE WORKED OUT AFTER
ALL PERTINENT ASPECTS OF PNE, FIRST OF ALL
INTERNATIONAL STANDARDS OF RADIATION PROTECTION
AND OTHER TECHNICAL AND ECONOMIC QUESTIONS

HAVE BEEN RESOLVED. END QUOTE.

3. AFTER CIRCULATION IN MEETING OF SOV PROPOSAL,
WHICH TOOK PLACE AFTER U.S. PARTICIPANTS NOTED,
FOR SECOND TIME, POINT COVERED BY SECOND
INSTRUCTION PARA THREE, REFTEL (A),
PARTICIPANTS FROM SWITZERLAND, SWEDEN, FRG,
JAPAN, UK, AND USSR ENGAGED IN FURTHER DISCUSSION
OF POSSIBLE INTERPRETATIONS OF 1963 MOSCOW
TREATY (LTBT). IN U.S. PARTICIPANTS DID NOT JOIN
DISCUSSION, PER INSTRUCTION PARA NINE, REFTEL
(B). SWISS AND BRITISH PARTICIPANTS SPOKE IN
FAVOR OF RECOGNIZING THAT A QUOTE ZERO STANDARD
UNQUOTE OF RADIATION PROTECTION ALREADY EXISTED
BY VIRTUE OF THE LTBT. SWEDISH PARTICIPANTS
ALSO SUBSTANTIALLY ENDORSED THIS VIEW. FRG
AND JAPANESE PARTICIPANTS CALLED SOV PROPOSAL
UNACCEPTABLE. MISHARIN THEN CLOSED DISCUSSION
BY NOTING THAT WHILE HE NOT IN POSITION TO
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PAGE 03 IAEA V 00916 051658Z

QUANTIFY AMOUNT OF RADIOACTIVE DEBRIS ALLOWED
TO CROSS NATIONAL BOUNDARIES--ZERO OR

MORE OR LESS--THIS QUESTION WOULD BE CON-
SIDERED BY THE TECHNICAL GROUP, AND THAT
THEREFORE THE QUESTION SHOULD NOT BE CON-
SIDERED BY THE SUBJECT MEETING.

4. IN LIGHT PARA NINE, REF. (B), AND U.S. PARTICIPANTS' INSTRUCTION TO SEEK TO KEEP SUCH MATTERS OUT OF ADVISORY GROUP DOCUMENTS, U.S. PARTICIPANTS AGAIN QUERIED CHAIRMAN AS TO

METHOD BY WHICH SOV PROPOSED LANGUAGE TO BE REFLECTED IN CONSULTANTS'S REPORT OR REVISION DRAFT SECRETARIAT WORKING PAPER, EXPRESSING CONCERNS OF REF. (C) AS INSTRUCTED. SEVERAL OTHER PARTICIPANTS ALSO RAISED ISSUE. CHAIRMAN GAVE ASSURANCE (BOTH IN FORMAL SESSION AND PRIVATE CONSULTATIONS) THAT CONSULTANTS' REPORT WILL IDENTIFY ALL POINTS OF VIEW EXPRESSED, WITHOUT INDICATING WHICH PARTICIPANTS MADE POINTS OR NUMBER OF PARTICIPANTS SUPPORTING POINTS. SINCE OTHER PARTICIPANTS INDICATED STRONG OPPOSITION SOV PROPOSAL, U.S. PARTICIPANTS DID NOT PLACE U.S. VIEW ON RECORD AGAIN.

5. MEETINGS FEB. 3 CONTAINED NO MAJOR SURPRISES. U.S. PARTICIPANTS TOOK EARLIEST OPPORTUNITY TO PLACE ON RECORD POINTS PARA THREE, REF (A) NOT MADE IN FEB. 2 SESSION. CONTRARY TO EARLIER EXPECTATION AND NORMAL AGENCY PRACTICE, IT APPEARS CHAIRMAN HAS DETERMINED CURRENT DRAFT WORKING PAPER NOT SUSCEPTIBLE TEXTUAL REVISION, AND PRODUCT OF MEETINGS WILL BE CONSULTANTS' REPORT AS DESCRIBED PARA 4. U.S. PARTICIPANTS WILL ATTEMPT ENSURE ALL POINTS RAISED REF (A) CONTAINED IN ANY SUCH REPORT
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PAGE 04 IAEA V 00916 051658Z

FATE OF SECRETARIAT DRAFT PAPER CURRENTLY
UNCLEAR.

6. DURING CONVERSATION REFERRED TO PARA ONE ABOVE, FOLLOWING ADDITIONAL POINTS EMERGED: SOVE NEED INTERNATIONAL RADIOLOGICAL PROTECTION STANDARD BECAUSE LTBT UNCLEAR AS TO MEANING OF TERM "DEBRIS". MCNEILL REMINDED MISHARIN OF DIPLOMATIC NOTES FROM USG TO SOV GOVT ON SUBJECT OF RADIOACTIVE DEBRIS CAUSED BY SOVE TO CROSS NATIONAL BOUNDARIES AND POINTED OUT THAT IN USG VIEW LTBT WAS CLEAR AND UN-AMBIGUOUS IN THIS REGARD. MISHARIN REPLIED THAT HE WAS FAMILIAR WITH HISTORY OF EXCHANGES AND STATED THAT HE PERSONALLY WAS RESPONSIBLE

FOR DRAFTING SOV DIPLOMATIC COMMUNICATIONS TO
USG ON SUBJECT. MISHARIN THEN SAID IF NOTHING
WERE DONE ABOUT ISSUE, A SOV NUCLEAR DEVICE
EXPLODED IN POLAND FOR A PEACEFUL PURPOSE COULD
BE SUBJECT TO CHARGE QUOTE BY SOMEBODY UNQUOTE
THAT RADIOACTIVE DEBRIS HAD BEEN CAUSED TO CROSS
POLISH FRONTIER INTO USSR AND THAT LTBT HAD
ACCORDINGLY BEEN VIOLATED. MCNEILL ASSURED
MISHARIN THAT THIS WAS CORRECT READING OF
LTBT AND NOTED PRACTICE OF USG AND USSR SINCE
1963. MCNEILL THEN ASKED MISHARIN IF LANGAUGE
EMPLOYED BY SOV PARTICIPANT IN REMAKRS DURING
PREVIOUS SESSION THAT SOV GOVT QUOTE WAS PREPARED
UNQUOTE TO PROVIDE PNE SERVICES TO ALL NNWS WOULD
SUPPORT ANY INFERENCE THAT SOV GOBT HAD CONCLUDED
THAT ANY PARTICULARL PNE BENEFITS HAD AS YET BEEN
REALIZED. MISHARIN REPLIED THAT SOV GOVT HAD
NOT MADE ANY SUCH DETERMINATION AND BY THIS
LANGUAGE SIMPLY HOPED TO DEMONSTRATE ITS FUTURE
WILLINGNESS TO MAKE BENEFITS AVAILABLE TO ALL NNWS
WHEN REALIZED. LABOWITZ

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